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PTO/SB/01 (12-97)  
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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☒ Declaration Submitted with Initial Filing      OR      ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	0255-03
First Named Inventor	JOHN D. McNICOL
<b>COMPLETE IF KNOWN</b>	
Application Number	/
Filing Date	
Group Art Unit	
Examiner Name	

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DATA DISTRIBUTION NETWORK AND METHOD OF USE

the specification of which (Title of the Invention)

☒ is attached hereto  
OR

☐ was filed on (MM/DD/YYYY)  as United States Application Number or PCT International

Application Number  and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
			<input type="checkbox"/>	YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States or America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/241,937	2-2-99	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/012A attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transmit this application and Trademark Office connected therewith:

☒ Customer Number 21704
OR
☐ Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number

☐ Additional registered practitioner(s) named on supplemental priority data sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number 21704 OR ☐ Correspondence address below

PATENT TRADEMARK OFFICE					
Name	ERIC KARICH				
Address	3151 AIRWAY AVENUE				
Address	SUITE K-105				
City	COSTA MESA	State	CA	ZIP	92626-4613
Country	US	Telephone	714-668-3813	Fax	714-668-0767

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: JOHN D. MCNICOL ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))	Family Name or Surname
JOHN D.	MCNICOL

Inventor's Signature				Date	1-11-00
Residence: City	RANCHO SANTA MAR.	State	CA	Country	US
Post Office Address	9 VIA NANDINA				
Post Office Address	RANCHO SANTA MARGARITA				
City	MARGARITA	State	CA	ZIP	92688
		Country	US		

☒ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

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PTO/SB/02A (3-97)  
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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet Page <u>3</u> of <u>3</u>
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
FRED E.		BEARDEN III	
Inventor's Signature			Date
Residence: City		State	Country
LAGUNA NIGUEL		CA	US
Post Office Address		Citizenship	
24991 STONEGATE LANE		US	
Post Office Address			
City		State	Country
LAGUNA NIGUEL		CA	US
ZIP		92677	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature			Date
Residence: City		State	Country
Post Office Address		Citizenship	
Post Office Address			
City		State	Country
ZIP			
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature			Date
Residence: City		State	Country
Post Office Address		Citizenship	
Post Office Address			
City		State	Country
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
POWER OF ATTORNEY AND REVOCATION OF PRIOR POWERS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

We, the undersigned, are the named inventors and owners of the entire interest of the applications listed below, and hereby revoke all powers of attorney previously given and appoint the following attorneys and/or agents to prosecute and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in connection with any international patent application(s) corresponding to the below-identified applications, all of the registered practitioners identified by Customer Number 34263.



O'MELVENY & MYERS LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618  
(949) 737-2900

Please send all correspondence to the attention of Polaphat Veravanich, at the above Customer Number, and direct all telephone calls to Polaphat Veravanich at (949) 737-2900. Please refer to the New Attorney Docket listed below in all future correspondence.

U.S. Serial No.	U.S. Filing Date	First-Named Inventor	Former Docket	New Attorney Docket
09/481,778	01/11/00	McNicol	259/244	801,461-3
10/172,226	06/14/02	Bearden	272/178	801,461-4

Dated: 14 JAN 2003

By: \_\_\_\_\_

John D. McNicol

Dated: 14 JAN 2003

By: \_\_\_\_\_

Fred E. Bearden, III

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

January 24, 2003  
Date of Deposit

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